

REMARKS

Applicant requests reconsideration and allowance of the subject application.¹ By this Amendment, Applicant has amended claims 1, 5-7, 10, 12, 18, 22-25 and 29. Independent claims 1 and 18 have been amended to clarify the recited features and to incorporate subject matter of claims 5 and 22, respectively. Support for the changes to claims 1 and 18 may also be found in the specification at, for example, page 5, line 28 to page 6, line 17. Claims 5, 6, 22 and 23 have been amended to be consistent with the changes to claims 1 and 18. Claims 10, 12, 25 and 29 have been amended to correct grammatical errors.

Claims 1-33 remain pending. Applicant acknowledges with thanks, the Examiner's indication of allowable subject matter in claims 6, 16, 17, 23, 32 and 33.

Rejections Under 35 U.S.C. § 103(a)

Claim 1 incorporates, in addition to other changes, subject matter previously recited in claim 5. To the extent that the previous rejection of claim 5 under Section 103 as allegedly not being patentable over U.S. Patent No. 6,321,197 to *Kushner et al.* ("*Kushner*")² in view of U.S. Patent No. 5,828,997 to *Durlach et al.* ("*Durlach*"), U.S. Patent No. 5,867,574 to *Eryilmaz*, and U.S. Patent Application No. 2003/0216909 to *Davis et al.* ("*Davis*") now applies to claim 1, Applicant traverses the rejection under Section 103.

The Examiner concedes that the purported combination of *Kushner*, *Durlach* and *Eryilmaz* does not disclose or suggest "calculat[ing] the numbers of runs consisting of consecutive identical elements in the frames ... and extract[ing] the random parameters based on the calculated numbers of runs," as recited in claim 5. (Final Office Action, pp. 9-10.) Accordingly, *Kushner*, *Durlach* and *Eryilmaz* do not disclose or suggest

¹ The Final Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations should not be construed as acceptance of them.

² The Office Action misidentifies *Kushner* as U.S. Patent No. 6,862,567.

"extract[ing] a random parameter for a frame input from the whitening unit based on a determination of the number of runs in said frame," as recited in present claim 1. *Davis* does not overcome this deficiency.

Davis discloses a system and method for voice activity detection ("VAD"). The system includes a VAD processor 10 used to improve the accuracy of detection. (*Davis*, p. 2, ¶ 0028.) VAD processor 10 changes state only when a number of consecutive frames fulfill certain conditions. (*Id.* at ¶¶ 0042-0046.) Thus, *Davis* requires more than one frame to determine whether to change the state of VAD processor 10. *Davis*, however, says nothing with regard to "input frames comprised of a sequence of elements having a number of runs" and "determin[ing] the number of runs in said frame" (emphasis added), as recited in claim 1.

Thus, the purported combination of *Kushner*, *Durlach*, *Eryilmaz* and *Davis*, when taken individually or in any proper combination, does not disclose or suggest, at least, the above-identified features of claim 1. Accordingly, *Kushner*, *Durlach*, *Eryilmaz* and *Davis* cannot support a *prima facie* case for rejecting claim 1 under Section 103. Applicant, therefore, requests that the rejection of claim 1 be withdrawn and the claim allowed.

Independent claim 18, although of different scope than claim 1, recites features similar to those recited in claim 1. Accordingly, claim 18 is allowable over the applied references for the same reasons set forth above with regard to claim 1.

Claims 2 and 19 depend from independent claims 1 and 18. Accordingly, claims 2 and 19 are allowable over the applied references for at least due to their corresponding dependence from claims 1 and 18.

Applicant traverses the rejections of claims 3-17 and 20-33 under 35 U.S.C. 103(a) based on various combinations of *Kushner*, *Durlach*, *Eryilmaz* and/or *Davis* with

U.S. Patent No. 6,182,035 to *Mekuria*, U.S. Patent Application No. 2003/0216909 to *Davis et al.*, U.S. Patent No. 5,572,623 to *Pastor*, U.S. Patent No. 7,065,485 to *Chong-White et al.*, "An Adaptive KLT Approach for Speech Enhancement" by *Rezayee et al.* *Mekuria* is relied on for its purported disclosure of "frames overlapping with one another." (Office Action, p. 8.) *Pastor* is relied on for its purported disclosure of "frames including vocal and frictive frames." (Office Action, p. 10.) *Chong-White* is relied on for its purported disclosure of thresholds. (Office Action, p. 12.) However, none of these applied references teach or suggest the above -identified features of claim 1 missing from *Kushner*, *Durlach*, *Eryilmaz*, and *Davis*. Accordingly, claims 3-17 and 20-33 are allowable over the applied references, whether taken alone or in combination, for the reasons set forth above with regard to claims 1 and 18.

Conclusion

Based on the reasons as set forth above, Applicant respectfully requests allowance of all pending claims. If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

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